

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Duane Gibson,

Plaintiff,

v.

Case No. 2: 12 -cv-955

John DesMarais, et al.,

**JUDGE MICHAEL H. WATSON
Magistrate Judge Kemp**

Defendants.


ORDER

This case is before the Court to consider a Report and Recommendation issued by the Magistrate Judge on October 15, 2012. No objections have been filed to the Report and Recommendation. Therefore, the Court **ADOPTS** the Report and Recommendation as it relates to Duane Gibson.

Mr. Gibson's Eighth Amendment claims against Drs. Fannon and Granson (Complaint, ¶¶61-64 and 71-74) and disability claim against defendants Bradshaw and Mapp (Complaint, ¶79) state a claim at the initial screening stage. Mr. Gibson's Eighth Amendment claims against defendants Desmarais, Rose and Croft regarding his diet supplement (Complaint, ¶75), his orthopedic corrective boot claim against defendant Jordan (Complaint, 65-69), and his retaliation claims are **DISMISSED** for failure to state a claim under 42 U.S.C. §1983. All defendants except RICI Warden Bradshaw, RICI Major Mapp, Dr. Fannon and

Dr. Granson are **DISMISSED** from this lawsuit.

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT